

COMMISSIONERS PROCEEDINGS  
AUGUST 31, 2004  
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton, Pridemore, and Morris, Chair, present.

PROCLAMATIONS

National Homeland Security Preparedness Month

Commissioner Morris read a proclamation declaring the month of September 2004 as National Homeland Security Preparedness Month in Clark County. Doug Smith-Lee, CRESA, accepted the proclamation.

National Alcohol & Drug Addiction Recovery Month

Commissioner Morris read a proclamation declaring the month of September 2004 as National Alcohol & Drug Addiction Recovery Month in Clark County.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

Commissioner Morris noted that the Department of Public Works had requested that Item 3 be pulled.

There being no public comment, **MOVED** by Stanton to approve items 1 through 11, with the exception of item 3. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (Tape 149)

PUBLIC HEARING: TOURISM PROMOTION AREA (TPA)

Held a public hearing to consider an ordinance that would establish the TPA, impose a charge on the furnishing of lodging by eligible lodging businesses within the TPA, provide for the collection of the charge, provide for administration of the ordinance, and other matters related thereto. This hearing was continued from August 17, 2004.

*Kelly Sills*, Office of the Board of Commissioners, presented. Mr. Sills noted that the hearing had been continued from August 17, 2004, and that the ordinance was changed so that the

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effective date would be December 1, 2004 instead of November 1, 2004. Sills explained that the Department of Revenue requires a 75-day waiting period before we can administratively contract with them.

There being no public comment, **MOVED** by Pridemore to approve Resolution 2004-08-19. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 149)

PUBLIC MEETING: CEDARS 49 PUD SUBDIVISION (REMAND)

Held a public meeting to consider an appeal of the Clark County Land Use Hearing Examiner's decision in the matter of a Type III application for preliminary plat approval of a 20-lot residential Planned Unit Development (PUD) subdivision on approximately 5.32 acres zoned R1-6 in unincorporated Clark County, Washington, and a related SEPA appeal.

The board did not receive public testimony, oral or written, at this meeting.

*Morris* explained that the board heard this appeal earlier in the summer and had remanded it to the hearing examiner on very narrow issue and that it was once again before the board on appeal.

The board certified reading the record.

*Pridemore* agreed that they remanded on a narrow issue and a lot of information that came back from the opponents of the proposal were broader than that narrow issue. He said it raised a lot concerns as he read through it, specifically regarding the PUD criteria. He agreed with the hearing examiner that the information submitted by Dr. John Bishop was creditable and also raised additional concerns about the Habitat Conservation Ordinance, which may need to be reviewed in the future. He said that although the two issues had raised a lot of concerns for him, he didn't think they were appropriate considerations for the appeal. He said he didn't think the hearing examiner had erred and that it was beyond the scope of the remand. Pridemore commented about the PUD being a rezone issue and said that clearly he didn't believe that it passes that; it's on residential and precedence has accepted those as not being a rezone, and the case law has indicated that it's not a rezone. He also discussed the wetland issue, which the remand was based on. He said there was a distinction between whether they were Class III or Class IV wetlands; it was clarified as a Class III. The applicant, as well as staff, had made appropriate corrections to the proposal. Therefore, Pridemore said he was inclined to support the hearing examiner's final order and overturn the appeal.

*Stanton* agreed. She said there was a lot of discussion regarding the current ordinances, but they couldn't change that through this process. She said the hearing examiner was dealing with what they do have, which is the current Habitat Conservation Ordinance and wetlands

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ordinances. She said it was a very limited remand, only having to do with whether this met the definition of a forested wetland in an urban area. There is now agreement by all parties that it is not a Category IV, as was purported in the first discussion. All parties agree that it's a Category III and that the appropriate conditions are in place. She said she couldn't find a place where the hearing examiner erred.

*Morris* concurred. She clarified for the record that there was only one issue in front of the hearing examiner and that was whether or not it was a forested wetland. All the other issues had already been decided in the first appeal. She said it might have been helpful at some point to have made everyone aware of that. *Morris* said the PUD Ordinance does need to be reworked. She commented that the Habitat Conservation Ordinance has passed the test of best available science at the state level – in 1997 or 1998. She further explained.

*Pridemore* added that on the Habitat Conservation Ordinance and the information that was brought forward, didn't criticize the ordinance per se; it was more a question of adequacy of review. Whether the appropriate species – endangered or not – were fully taken into account. He clarified that his comments regarding the HCO were not to say that a change is necessary, but that it should be looked at to see if it's adequate.

**MOVED** by *Pridemore* to uphold the Hearing Examiner and deny the appeal in the matter of Cedars 49 PUD Subdivision. Commissioners *Morris*, *Stanton*, and *Pridemore* voted aye. Motion carried. (See Tape 149)

PUBLIC HEARING: SECTION 30

Held a public hearing to consider development agreements with Section 30 property owners. This hearing was continued from August 17, 2004.

[VERBATIM TRANSCRIPT BY RIDER & ASSOCIATES – TAPE 150 USED]

*The Board of Commissioners adjourned and reconvened as the Board of Health.*

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

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There being no public comment, **MOVED** by Stanton to approve consent agenda item 1.  
Board Members Morris, Stanton, and Pridemore voted aye. Motion carried. (See tape 149)

*Hearing Adjourned.*

*2 p.m. Bid Opening*

Present at the Bid Opening: Louise Richards, Clerk to the Board; Allyson Anderson and Priscilla Ricci, General Services

BID OPENING 2381

Held a public hearing for Bid Opening 2381 – Annual Pre-Formed Thermoplastic Pavement Marker Material. Allyson Anderson, General Services, opened and read bids and stated that it was their intention to award Bid 2381 on September 7, 2004, at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6<sup>th</sup> Floor. (See Tape 149)

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/  
Betty Sue Morris, Chair

Judie Stanton, Commissioner

Craig A. Pridemore/s/  
Craig A. Pridemore, Commissioner

ATTEST:

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Rebecca Tilton/s/  
Deputy Clerk of the Board

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